

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
LARRY E. HENNEMAN, JR.
HENNEMAN & SAUNDERS
121 E. 11TH STREET
TRACY, CA 95376

PCT

WRITTEN OPINION

(PCT Rule 66)

Applicant's or agent's file reference 0013-011PCT		Date of Mailing (day/month/year) 24 JUL 2003 REPLY DUE within 2 months/days from the above date of mailing
International application No. PCT/US01/22313	International filing date (day/month/year) 16 July 2001 (16.07.2001)	Priority date (day/month/year) 17 July 2000 (17.07.2000)
International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 17/00 and US Cl.: 705/26		
Applicant HARRIS, DAVID N.		

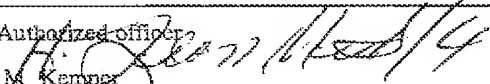
1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☒ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 17 November 2002 (17.11.2002)

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer  M. Kemper Telephone No. 703-303-1113
--	---

WRITTEN OPINION

International application No.

PCT/US01/22313

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-28, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

- ☒ the claims:
 pages 29-41, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

- ☒ the drawings:
 pages 1-17, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

- ☐ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE _____
- ☒ the claims, Nos. NONE _____
- ☒ the drawings, sheets/fig NONE _____

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.
PCT/US01/22313

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>7-12, 15, 23-28, 31, 39-45, 47</u>	YES
	Claims <u>1-6, 13-14, 16-22, 29-30, 32-38, 46, 48-84</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-84</u>	NO
Industrial Applicability (IA)	Claims <u>1-84</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

WRITTEN OPINION

International application No.

PCT/US01/22313

VI. Certain document cited

1. Certain published documents (Rule 70.10)

Application No <u>Patent No.</u>	Publication Date <u>(day/month/year)</u>	Filing Date <u>(day/month/year)</u>	Priority Date (valid claim) <u>(day/month/year)</u>
US 6,529,725 A	04 March 2003 (04.03.2003)	09 October 1998 (09.10.1998)	08 August 1996 (08.08.1996)

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	Date of non-written disclosure <u>(day/month/year)</u>	Date of written disclosure referring to non-written disclosure <u>(day/month/year)</u>

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. Citations and Explanations:

Claims 1-6, 13-14, 16-22, 29-30, 32-38, 46, 48-84 lack novelty under PCT Article 33(2) as being anticipated by Blonder, patent number 5,708, 422.

Blonder teaches a method for verifying a commercial transaction comprising: receiving a transaction approval request from the merchant, the request including the account number (col. 2, lines 60-65, lines 45-50, col. 4, lines 55-65, col. 5, lines 5-10); electronically verifying the approval request with the account holder via a separate communication from the merchant (see at least col. 2, lines 50-55, col. 3, lines 5-15, 25-35, col. 5, lines 40-50, col. 6, lines 50 - col. 7, line 5) and transmitting an approval to the merchant only if request is verified by the account holder (col. 3, lines 1-5, col. 10, lines 35-37).

Blonder also teaches a computer system for verifying a commercial transaction comprising: a processing unit for processing data and code, a memory device for storing data and code including a merchant communications module to facilitate a connection with the merchant for receiving a transaction approval request including a complete account number (fig. 1, col. 2, lines 60-65, lines 45-50, col. 4, lines 55-65, col. 5, lines 5-10); an account holder communications module operative to facilitate a separate connection with the account holder for verifying the request (see at least col. 2, lines 50-55, col. 3, lines 5-15, 25-35, col. 5, lines 40-50, col. 6, lines 50 - col. 7, line 5); and an authorization module responsive to receipt of the approval request and transmitting an approval to the merchant only if the approval request is verified by the account holder (fig. 7, fig. 9, fig. 10 (at least), col. 10, lines 35-37).

Blonder also teaches the authorization module includes an interactive verification module responsive to the approval request and initiating a connection with the account holder and verifying the transaction request by prompting the account holder to verify the request (col. 7, line 65 - col. 9, line 30); sending an electronic message to the account holder via a network interface and receiving a reply to the electronic message (col. 6, lines 55 - col. 7, line 3, col. 9, lines 10-30); a telecommunications device where the interactive verification module places an automated telephone call to the account holder and includes establishing a telephone connection with the account holder, reciting a portion of the request to the account holder, and receiving verification instructions from the account holder (col. 8, lines 10-55); the authorization module is responsive to instructions from the account holder to automatically verify subsequent transaction approval requests without further input from the account holder and instructions for enabling or disabling the electronic verification (col. 5, line 30-45, col. 7, lines 1-10, col. 14, lines 35-67); the authorization module includes a master verification module responsive to the lapse of a predetermined time period and operative to disclaim the request if the request has not been verified by the account holder (col. 7, lines 5-15, col. 10, lines 5-20, lines 55-65); the transaction approval request is a verification request from a third-party financial institution and the authorization module transmits indicia of verification to the third party institution (col. 5, lines 30-35, col. 9, lines 25-30).

Claims 7-12, 15, 23-28, 31, 39-45, 47 lack an inventive step under PCT Article 33(3) as being obvious over Blonder et al.

While Blonder teaches the interactive verification module requires authentication from the account holder prior to reciting a

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

portion of the approval request (col. 8, lines 45-50), Blonder does not teach the use of an authentication code for this purpose. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to have used an authentication code prior to reciting a portion of the approval request in Blonder since, at least, personal identification numbers, or pin, are well known in the art for identifying/authenticating customers (claims 15,25). Use of the pin authentication would have at least reduced the processing and storage demands of voice recognition particularly considering the number of customers the system would need to serve.

Blonder teaches establishing a connection with the account holder, authenticating the account holder, transmitting a portion of the approval request, and receiving verification instructions from the account holder with respect to the approval request (col. 8, lines 10-55), but does not show waiting for a connection initiated by the account holder. It would have been obvious to one having ordinary skill in the art at the time of the invention to have waited for the customer to initiate communication with the system since this would have provided the customer the time he/she needed to decide whether to approve/disapprove the transaction. It also would have been obvious to have transmitted a notice to the account holder when the transaction approval request was disclaimed since this would have provided a complete record of activity for the account holder.

NEW CITATIONS

US 5,708,422 A (BLONDER et al) 13 January 1998, abstract, summary